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October 31, 1995

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Office of the Secretary
Federal Communications Commission
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To whom it may concern:

Subject: Toll Free Service Access Codes NPRM (CC Docket No. 95-155)

Unitel Communications Inc. (Unitel) is pleased to respond to the FCC Notice of Proposed Rulemaking in the matter of Toll Free Service Access Codes, under CC Docket No. 95-155.

Unitel looks forward to further industry wide cooperation in this area. As a competitive World Zone 1 Inter-exchange carrier, and founding member of the Canadian Steering Committee on Numbering, Unitel appreciates the opportunity provided through this forum for discussion and input into the issues surrounding toll free number resources.

Sincerely,



J. Kristen Liesemer

Attachment

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**FCC Notice of Proposed Rulemaking
(CC Docket No. 95-155)
In The Matter Of
Toll Free Service Access Codes
FCC 95-419**

Comments of
Unitel Communications Inc.

October 31, 1995

uniTel

INTRODUCTION

Unitel Communications Inc. is one of Canada's national telecommunications facilities-based carriers, with digital fiber optic and microwave networks. Inter-exchange long-distance competition came into effect in Canada as a result of *Telecom Decision CRTC 92-12*, issued by the Canadian Radio-television and Telecommunications Commission (CRTC) on June 12, 1992. Unitel is increasingly dependent on the availability and allocation of numbering resources to all North American/World Zone 1 carriers. Specifically, as an 800 service provider, Unitel has a direct and material interest in the matters covered in the NPRM.

As noted in the NPRM, the rapidly accelerated pace of consumption of the 800 toll free number resource raises concerns that future toll free numbers are allocated on a fair, equitable and orderly basis. Unitel is therefore encouraged by the decision of the FCC to explore these issues.

A) EFFICIENT USE OF TOLL FREE NUMBERS

Making Toll Free Numbers Available to Subscribers Who Need and Want Them

Assignment of number resources without an affirmative response from the subscriber is not in the public interest. For auditing purposes, it is reasonable to require records of such affirmative requests be retained by the RespOrg. Such records must be available for audit within 30 days, in order to accommodate the time-lag associated with collection of such affirmative requests through a distributed sales force and the forwarding of those requests to a central site.

Escrow Requirement

Unitel supports the need for more efficient use of toll free numbers. However, the escrow account requirement is unnecessarily cumbersome. Unitel submits that increased emphasis on controls such as reservation limits will be sufficient to manage an efficient allocation of numbers. Unitel provides comments on the appropriate number reservation controls below.

Lag Time

Unitel supports the reduction of the amount of time that a toll free number can remain in "reserved" status from 60 to 30 days. Unitel also supports a reduction in the amount of time that a toll free number can be "assigned" but not "working", from 12 months to 4 months. Of course, there must be an opportunity to seek a reasonable extension, if the RespOrg cannot meet the criteria within the established time frames due to unusual

circumstances (e.g. equipment delays, facilities shortages, inability of carriers to provide service, etc.). This is the generally accepted practice in other numbering resource guidelines.

In light of the fact that 800 numbers are widely promoted to the public, Unitel does not support a reduction in the current six month aging period.

Personal Identification Numbers

Unitel encourages the use of Personal Identification Numbers (PIN) to allow multiple customers to use a single toll-free number in those applications where service quality would not be unduly reduced, such as the use of PIN numbers in the paging industry. The use of PINs must not, however, be mandated for any particular industry segment.

B) MECHANICS OF OPENING NEW TOLL FREE CODES

Reservation of New Toll Free Codes

Unitel supports the principle that all RespOrgs, regardless of size, have equal opportunity to reserve toll free numbers. Unitel respectfully requests that this principle be codified in the reservation guidelines.

A “first come first served” reservation methodology is the preferred approach, as long as all carriers have equivalent capacity and equivalent priority to the reservation system. In the event that systematic discrepancies cannot be effectively eliminated, a dispute resolution mechanism must be adopted. Absent such a dispute resolution system, smaller carriers will be disadvantaged as a result of their inferior access to SMS/800.

Phased Introduction of New Toll Free Codes (SMS/SCP link capacity concerns)

The issue of appropriate measures to ensure there is no degradation in the performance of the SMS when there is a high volume of activity on the data links is currently being addressed in the Ordering & Billing Forum/SMS-800 Number Administration Committee (OBF/SNAC). Unitel submits that this issue should be left OBF/SNAC to resolve through a consensus of the interested parties.

Implementation Plan for Next Toll Free Code Beyond 888

In light of the fact that the North American industry has been encouraged to develop its networks to support the full range of code expansion, Unitel submits that six months should be sufficient notice for the industry to implement subsequent toll free codes.

Tracking Toll Free Number Usage

Unitel submits that DSMI should be given proactive powers to identify and track unused numbers and enforce number reclamation. That is, DSMI would identify and advise the RespOrg of any individual toll free number which has not carried traffic for some period, say 6 months. Absent an adequate response within 45 days, the number assignment would then be terminated by DSMI.

C) WAREHOUSING OF TOLL FREE NUMBERS

Given the industry concern with respect to the possibility of carriers “warehousing” number resources, Unitel supports the reduction in the percentage of toll free numbers that a RespOrg could reserve from 15% of its working numbers to 3% or 1,000 numbers, whichever is greater.

Recognizing that voluntary compliance with an industry guideline may not always be respected, a means to enforce the reservation limits will be needed. In place of fines, Unitel recommends that all RespOrgs be required to certify the accuracy of subscriber information related to the number reservation. Information such as name, address, telephone number and facsimile number would be treated as proprietary information, but must be available to the SMS/800 Administration, NANPA or government authorities upon request.

D) VANITY NUMBERS

Scope of Vanity Numbers

The FCC asks carriers to identify existing 800 vanity numbers, to help assess the viability of a “right of first refusal” approach to assigning equivalent 888 numbers. If it were determined that vanity numbers constitute a small percentage of existing 800 numbers, a “right of first refusal” arrangement may not lead to premature exhaust of the 888 resource.

Unitel believes it is not appropriate for a carrier to unilaterally determine how many numbers are, or should be considered, vanity numbers. A vanity number is defined by the customer, not the industry.

Right of First Refusal

Unitel opposes right of first refusal as a means to assign currently held 800 numbers to the same customer under the 888 code. Unitel believes that under such an arrangement, many customers may acquire equivalent 888 numbers simply to prevent them from being put into active use. Right of first refusal, if adopted, would likely be carried into subsequent

code assignments (877, 866, ...), potentially leading to premature exhaust of the entire numbering resource.

Telephone numbers, and particularly toll free numbers, are a public resource, and are not the property of carriers, RespOrgs or the subscriber to whom they are assigned.

Assignment of a numbering resource per established industry numbering principles and guidelines does not imply ownership by the assignor or the assignee, and therefore, a right of first refusal proposal should not be supported.

Miscellaneous Proposals

The FCC seeks comment on a proposal to reserve the 888 numbers identified as equivalent 800 vanity numbers for allocation only after all other numbers have been exhausted. Clearly, this proposal conflicts with the “first come first served” approach. For the reasons already provided, Unitel does not support this arrangement.

Comments are also sought on the feasibility of a “transitional gateway intercept”, whereby a caller dialling an 888 vanity number would first reach an intercept message asking him to clarify which entity he was trying to reach. Unitel submits that this arrangement is unjustifiably expensive to implement, and unnecessarily cumbersome for the calling party.

Finally, Unitel submits that the partitioning of toll free numbers, such that the 800 code is reserved for business entities and vanity numbers, with paging and personal applications assigned to other codes, is unreasonably discriminatory to those parties who would invariably be forced to undergo a number change to accommodate this partitioning process.

High Volume Numbers

A toll free subscriber who obtains a number that is associated with a high volume number in a different service access code may receive numerous misdialled calls for which the subscriber is billed. Unitel submits that the treatment of these misdialled calls is a business decision that each carrier must be free to make, and is not a regulatory or industry issue. Accordingly, Unitel submits that no industry policy should be adopted.

E) TOLL FREE DIRECTORY ASSISTANCE

Unitel supports the combining of 800 DA and 888 DA, such that callers could dial either “1-800-555-1212” or “1-888-555-1212” to access DA for all toll free numbers.

F) ADMINISTRATION OF THE SERVICE MANAGEMENT SYSTEM

Unites proposes that no change be made to the functions currently performed by DSMI and Lockheed with respect to the SMS/800 data base during the implementation of the new 888 code. This issue should be addressed outside this proceeding, in the context of industry discussions concerning the North American Numbering Council, as well as industry discussions on how other numbering resources will be made portable.

G) PUBLIC AWARENESS AND INDUSTRY PARTICIPATION

Unitel submits that the educational activities undertaken or planned by carriers are generally sufficient.

H) CIRCUIT BREAKER MODEL

The FCC has proposed a circuit breaker model to control consumption of toll free numbers. This model, which would be triggered six months before anticipated exhaust of a toll free code, would establish a weekly consumption rate for each RespOrg equal to the average weekly consumption rate over the previous twelve months. The FCC has proposed two options for the implementation of the circuit breaker mechanism. In the first option, the tracking mechanism resides in the ordering process for each RespOrg. In the alternative, the tracking mechanism would be controlled by DSMI at the SMS/800.

Unitel supports the scenario in which the circuit breaker is associated with the day-to-day operation of the SMS/800 database. This simplifies the implementation of the circuit breaker by containing it in the system of a single entity, rather than in the individual systems of approximately 140 RespOrgs.

Unitel submits that, under the circuit breaker model, the permitted rate of toll free number consumption should be set sufficiently high so as not to disadvantage small or startup RespOrgs, whose historic consumption rate may not adequately reflect future needs.